

1 September 2011

The Hon Robert McClelland MP
The Attorney-General

Dear Mr McCelland

Engagement by Your Department with Civil Society

The undersigned organisations represent and advocate for the public's interests in online and telecommunications matters, focussing variously on consumer rights, privacy, and human rights more generally.

We are very concerned that your Department appears to have no process in place to ensure consultation with civil society organisations about many of the initiatives that arise in your portfolio.

One very recent example is the Cybercrime Amendment Bill currently before the Senate. Another is a matter that we are aware of only from a report in The Canberra Times of Saturday 27 August 2011, which suggests that your Department is organising a roundtable on 'piracy' without civil society representation. We were unable to find any information about this matter on any of the media release sites within your portfolio.

This lack of consultation results in many initiatives failing to reflect the concerns of civil society, and forces our organisations to undertake very rapid analysis and make rushed submissions to Parliamentary Committees.

We note that a process already exists for consultation on human rights matters more generally, involving your Department and relevant civil society organisations, and we understand that this process achieves its aim of creating the opportunity for constructive dialogue.

We submit that your Government's declared, strong commitment to open government points the way towards similar arrangements in other areas as well.

We submit that your Department should introduce a policy and practices that ensure balanced consultations in relation to initiatives that affect consumer rights and privacy. Important elements of such a policy and practices include the following:

- the establishment and maintenance of a list of organisations that represent and advocate on behalf of consumers and citizens in areas relevant to your portfolio
- the establishment and maintenance of communication mechanisms between your Department and those organisations
- the establishment of processes whereby those organisations are informed in advance of initiatives emerging within your portfolio
- the establishment of processes whereby an appropriate sub-set of those organisations is engaged from an early stage in each such initiative

Would you please advise what concrete measures you will take to address these serious problems.

Thank you for your consideration.

Yours sincerely

[Signatories Attached]

The Signatory Organisations

New South Wales Council for Civil Liberties (NSWCCL)
Cameron Murphy, President

Liberty Victoria
Prof. Spencer Zifcak, President

Queensland Council for Civil Liberties (QCCL)
Michael Cope, President

Civil Liberties Australia (CLA)
Dr Kristine Klugman, President

Electronic Frontiers Australia (EFA)
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